

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ROBERT ANTHONY HOUSE,

Petitioner,

v.

DEWAYNE HENDRIX,

Respondent.

SIMON, District Judge.

Case No. 3:22-cv-00491-SI

OPINION AND ORDER

Petitioner, an Adult in Custody at FCI-Sheridan, is serving a 48-month sentence imposed in the District of Montana in 2020. In this 28 U.S.C. § 2241 habeas corpus case, he alleges that the Bureau of Prisons ("BOP") erred when it miscalculated his PATTERN score and found him ineligible for earned time credits under the First Step Act ("FSA").<sup>1</sup> He asks the Court to declare him eligible for FSA credits and order the BOP to award him the credits he has accrued.

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<sup>1</sup> In order to determine prisoners' eligibility for earned time credits under the FSA, the BOP developed its Prisoner Assessment Tool Targeting Estimated Risk and Needs ("PATTERN") score, which is a risk assessment tool used to predict the likelihood that a prisoner will reoffend.

Article III of the Constitution restricts federal courts to adjudicating only live controversies. *Alvarez v. Smith*, 558 U.S. 87, 92 (2009). “[A]n actual controversy must exist at all stages of the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9<sup>th</sup> Cir. 2002). “The basic question . . . is whether there is a present controversy as to which effective relief can be granted.” *Northwest Environmental Defense Center v. Gordon*, 849 F.2d 1241, 1244 (9<sup>th</sup> Cir. 1988). “If there is no longer a possibility that an appellant can obtain relief for his claim, that claim is moot and must be dismissed for lack of jurisdiction.” *Rubalcaba v. City of L.A.*, 167 F.3d 514, 521 (9<sup>th</sup> Cir. 1999).

In this case, on June 30, 2022, the BOP conducted its regularly-scheduled Program Review of Petitioner’s file. It found Petitioner to be eligible for FSA credits and recommended him for pre-release placement in a Residential Re-entry Center for a duration of 151-180 days based upon his accrued credits. Holmes Declaration ¶¶ 9-10. Where the BOP has already granted Petitioner his requested relief in this case, the action is moot.

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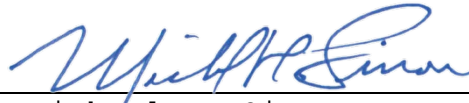
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**CONCLUSION**

For the reasons identified above, the Petition for Writ of Habeas Corpus (#1) is dismissed for lack of jurisdiction.

IT IS SO ORDERED.

November 4, 2022  
DATE



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Michael H. Simon  
United States District Judge